



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ७८]

गुरुवार, नोव्हेंबर २, २०१७/कार्तिक ११, शके १९३९

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असाधारण क्रमांक १५३

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Municipal Councils, *Nagar Panchayat* and Industrial Townships (Amendment) Ordinance, 2017 (Mah. Ord. XXV of 2017), is hereby Published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

R. G. BHAGWAT,
I/c. Secretary to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Municipal Councils, *Nagar Panchayat* and Industrial Townships (Amendment) Ordinance, 2017 (Mah. Ord. XXV of 2017), Published under the authority of the Governor.]

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 2nd November 2017

MAHARASHTRA ORDINANCE No. XXV OF 2017.

AN ORDINANCE

further to amend the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate
Mah. action further to amend the Maharashtra Municipal Councils, *Nagar*
XL of *Panchayats* and Industrial Townships Act, 1965, for the purposes hereinafter
1965. appearing ;

NOW, THEREFORE in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

(१)

Short title and
commence-
ment.

1. (1) This Ordinance may be called the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2017.

(2) It shall come into force at once.

Insertion
of section
341B-1A in
Mah. XL of
1965.

2. After section 341B-1 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (hereinafter referred to as "the principal Act"), the following section shall be inserted, namely :—

Mah.
XL of
1965.

Direct
election of
President of
*Nagar
Panchayat*.

"341B-1A. (1) After the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2017, in respect of the general elections to the *Nagar Panchayats*, subject to the provisions of section 51-1A, every *Nagar Panchayat* shall have a President who shall be elected by the persons whose names are included in the voters list prepared for elections to wards under section 341B for *Nagar Panchayat*.

Mah.
Ord.
XXV of
2017.

(2) Every person qualified to be elected as a Councillor to the *Nagar Panchayat* shall be qualified to be elected as a President at an election under sub-section (1).

(3) Election of the President shall be held simultaneously with the general elections of the *Nagar Panchayat* and the procedure regarding holding of elections to the *Nagar Panchayats* shall, *mutatis mutandis*, apply to such election.

(4) If at an election, no President is elected, a fresh election shall be held to elect a President, and if there is a failure to elect a President at the fresh election, such vacancy may, notwithstanding anything contained in this Act, be filled by election by the elected Councillors from amongst themselves.

(5) Any person elected under sub-section (4) or (7) shall be deemed to be duly elected at an election under this section.

(6) If, in the election of the President, there is an equality of votes, the result of the election shall be decided by lots to be drawn by the State Election Commissioner or the officer appointed by him for the purpose.

(7) If, during the term of the elected Councillors, there is a vacancy in the office of the President due to any reason, the same procedure as provided in sub-sections (1) to (6) shall apply and such President shall remain in office only for the remainder of the term, for which his predecessor would have remained in office but for such casual vacancy :

Provided that, if a vacancy occurs, which is within six months prior to the date on which the term of office of the elected Councillor expires, the same shall be filled in by election from amongst the elected Councillors.

(8) In case of a dispute regarding election of the President, the provisions of section 21 shall, *mutatis mutandis*, apply.

(9) The President shall convene first general meeting of the *Nagar Panchayat* within twenty-five days from the date on which the name of the President and the elected Councillors is published in the *Official Gazette* after the general elections of the *Nagar Panchayat* and the President. The nomination of the Councillors under clause (b) of sub-section (1) of section 9 shall be made in the prescribed manner in this meeting by the President elected under this section."

- Mah. XL of 1965. 3. In section 341B-2 of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely :—
- Amendment of section 341B-2 of Mah. XL of 1965.
- “(6A) In respect of the *Nagar Panchayats* to which the President is directly elected after the commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2017, the provisions of this section shall apply with the following modifications :—
- Mah. Ord. XXV of 2017.
- (i) for sub-section (1), the following sub-section shall be substituted, namely :—
- “(1) Every *Nagar Panchayat* shall have a Vice-President, who shall be elected by the elected Councillors amongst themselves in the first general meeting convened under sub-section (9) of section 341B-1A.”;
- (ii) for sub-section (3), the following sub-section shall be substituted, namely :—
- “(3) If in the election of Vice-President there is equality of votes, the President elected under section 341B-1A shall have a second or casting vote.”;
- (iii) for sub-section (6), the following sub-section shall be substituted, namely :—
- “(6) Subject to the provisions of section 55A and other provisions of this Act, the Vice-President shall hold the office for a term of five years from the date of his election and his term shall be co-terminus with the term of the *Nagar Panchayat*”.
4. In section 341B-3 of the principal Act, after sub-section (3), the following sub-section shall be added, namely:—
- Amendment of section 341B-3 of Mah. XL of 1965.
- “(4) The provisions of this section shall not apply when the President is elected under section 341B-1A.”.
5. Section 341B-4 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1), as so re-numbered, the following sub-sections shall be added, namely:—
- Amendment of section 341B-4 of Mah. XL of 1965.
- “(2) Notwithstanding anything contained in sub-section (1), the term of office of the President, elected under sub-section (1) of section 341B-1A, shall be of five years and shall be co-terminus with the term of the *Nagar Panchayat*.
- (3) Nothing in sub-section (2) shall apply to the term of office of the Presidents who are holding the office in respect of the *Nagar Panchayats* for which general elections have been held prior to the date of commencement of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Ordinance, 2017 and the provisions of this section, as it existed on the date immediately preceding such date of commencement, shall continue to apply in respect of the term of office of such Presidents.”.
- Mah. Ord. XXV of 2017.
6. In section 341B-5 of the principal Act, in sub-section (1), for the *proviso*, the following *proviso* shall be substituted, namely:—
- Amendment of section 341B-5 of Mah. XL of 1965.
- “ Provided that, no such resolution shall be moved within a period of two years from the date of election of the directly elected President and in case of the President elected by the Councillors from amongst themselves, within one year from the date of such election.”.

STATEMENT.

As per the provisions of section 341B-1 of the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), the President of the *Nagar Panchayat* is elected by the elected Councillors from amongst themselves. As per the provisions of section 51A-1A, the President of the Municipal Council is elected by the voters of the Municipal Council at the general elections of the Municipal Council held after the 19th May 2016, being the date of commencement of the Maharashtra Municipal Corporations and the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships (Amendment) Act, 2016 (Mah. IX of 2017).

After taking the review of the present position and with a view to ensure the uniformity in the elections of the Presidents of the Municipal Councils and the *Nagar Panchayats*, it is considered expedient to suitably modify the provisions of the said Act.

2. The salient features of the proposed amendments are as under :—

(1) It is proposed to provide that, the President of a *Nagar Panchayat* shall be elected by the voters of the *Nagar Panchayat*.

(2) Consequently, it is also proposed to modify the provisions relating to the election of Vice-President, where the President is elected by the voters of the *Nagar Panchayat* at the general election of the *Nagar Panchayat*.

For the purpose, it is proposed to insert a new section 341B-1A in the said Act and to amend sections 341B-2, 341B-3, 341B-4 and 341B-5 of the said Act, suitably.

3. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Municipal Councils, *Nagar Panchayats* and Industrial Townships Act, 1965 (Mah. XL of 1965), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 2nd November 2017.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

MANISHA PATANKAR-MHAISKAR,
Principal Secretary to Government.